

DISTRICT COURT CIVIL COVER SHEET A- 16 - 733016 - C

County, Nevada XXX
Case No. (Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Josefina Millan	Defendant(s) (name/address/phone): Cardenas Markets, INC
Attorney (name/address/phone): Ryan M. Anderson, Esq. Morris Anderson Law 716 S. Jones Blvd., Las Vegas, NV 89107 702-333-1111	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input checked="" type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

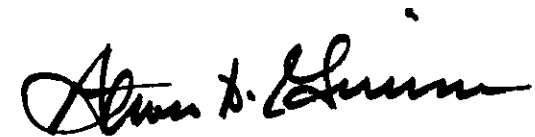
/s/ Ryan M. Anderson 3/7/16

Date

Signature of initiating party or representative

See other side for family-related case filings.

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CLERK OF THE COURT

COMP

RYAN M. ANDERSON, ESQ.

Nevada Bar No. 11040

JACQUELINE R. BRETELL, ESQ.

Nevada Bar No. 12335

MORRIS ANDERSON

716 S. Jones Blvd.

Las Vegas, Nevada 89107

Phone: (702) 333-1111

Fax: (702) 507-0092

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

JOSEFINA MILLAN,

Plaintiff,

v.

CASE NO: A- 16 - 7330 16 - C

DEPT. NO: XXX

CARDENAS MARKETS, INC,
A CALIFORNIA CORPORATION
DOE MAINTENANCE EMPLOYEE,
DOE EMPLOYEE, DOE JANITORIAL
EMPLOYEE, DOE OWNER, I-V,
ROE OWNERS, ROE EMPLOYER, ROE
SUPERMARKET COMPANY
and ROE COMPANIES, I-V

Defendants.

COMPLAINT

COMES NOW the Plaintiff, JOSEFINA MILLAN, by and through counsel, Ryan M. Anderson, Esq. and Jacqueline R. Bretell, Esq. of the law firm of MORRIS ANDERSON LAW, and for her cause of action against the Defendants, and each of them, alleges as follows:

1. That PLAINTIFF JOSEFINA MILLAN was at all times relevant to this action a resident of Clark County, Nevada.
2. Upon information and belief, that at all times relevant to this action, the Defendants, CARDENAS MARKETS, INC., A CALIFORNIA CORPORATIONS (hereinafter referred to as

1 “DEFENDANT CARDENAS”) and/or ROE SUPERMARKET COMPANY and/or ROE
2 COMPANY were California and/or Nevada corporations, which were doing business in the State
3 of Nevada.

4 3. Upon information and belief, at all times relevant to this incident, DEFENDANT CARDENAS
5 and/or ROE SUPERMARKET COMPANY and/or ROE COMPANY and/or DOE OWNER
6 and/or ROE OWNER was the owner of the property located at 4421 East Bonanza Road, Las
7 Vegas, NV 89110 and was a resident and/or was doing business in Clark County, Nevada.

8 4. Upon information and belief, at all times relevant to this incident, DEFENDANT DOE
9 EMPLOYEE and/or DEFENDANT DOE MAINTENANCE EMPLOYEE and/or
10 DEFENDANT DOE JANITORIAL EMPLOYEE (hereinafter collectively referred to as
11 “DEFENDANT DOE EMPLOYEE”) is a resident of Clark County, Nevada and was acting
12 within the course and scope of his/her employment with DEFENDANT CARDENAS and/or
13 DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY
14 and/or DEFENDANT ROE EMPLOYER.

15 5. Upon information and belief, at all relevant times to this incident, DEFENDANT CARDENAS
16 and/or DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE
17 COMPANY and/or DEFENDANT ROE EMPLOYER employed Defendants, and each of them,
18 and was doing business in the State of Nevada.

19 6. That the true names and capacities, whether individual, corporate, partnership, associate or
20 otherwise, of Defendants, DOES I through V and Defendants, ROES I through V are unknown
21 to Plaintiffs, who therefore sues said Defendants by such fictitious names. Plaintiffs are informed
22 and believes and thereon alleges that each of the Defendants designated herein as DOE and/or
23 ROE is responsible in some manner for the events and happenings referred to and caused damages
24 proximately to Plaintiffs as herein alleged, and that Plaintiffs will ask leave of this Court to amend
25 this Complaint to insert the true names and capacities of DOES I through V and/or ROES I
26 through V when the same have been ascertained, and to join such Defendants in this action.

FIRST CAUSE OF ACTION

7. PLAINTIFF incorporates by this reference all of the allegations of paragraphs 1 through 6, above, as though completely set forth herein

8. That upon information and belief, at all times relevant to this action, the Defendants, DEFENDANT CARDENAS and/or DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE EMPLOYEE, and each of the Defendants, were the owners or lessees and occupied, operated, maintained and controlled those premises located at 4421 East Bonanza Road, Las Vegas, NV 89110, wherein they actively conducted a supermarket at said location.

9. That Defendants, and each of them, had a duty to maintain a safe premises so that Plaintiff and other customers would not be put at unnecessary risk when shopping on the premises.

10. That on or about the March 14, 2014, and for some time prior thereto, the Defendants, DEFENDANT CARDENAS and/or DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE EMPLOYEE, and each of the Defendants (by and through their authorized agents, servants, and employees, acting within the course and scope of their employment), negligently and carelessly owned, maintained, operated, occupied, and controlled the said premises, located at 4421 East Bonanza Road, Las Vegas, NV 89110, so as to cause and allow liquid and/or fruit and/or food to be present in such a manner as to cause an unreasonably dangerous condition, thus, making the walkway hazardous and dangerous.

11. That on or about the March 14, 2014, and for some time prior thereto, the Defendants, DEFENDANT CARDENAS and/or DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE

1 EMPLOYEE, and each of the Defendants (by and through their authorized agents, servants, and
2 employees, acting within the course and scope of their employment), negligently and carelessly
3 owned, maintained, operated, occupied, and controlled the said premises, located at 4421 East
4 Bonanza Road, Las Vegas, NV 89110, in that they maintained the area in such a manner that it
5 presented a dangerous and hazardous condition in an area intended for the use and commonly and
6 regularly used by customers and invitees of the said Defendants.

7 12. That on or about the March 14, 2014, and for some time prior thereto, the Defendants,
8 DEFENDANT CARDENAS and/or DEFENDANT ROE SUPERMARKET COMPANY and/or
9 DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER and/or
10 DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE
11 EMPLOYEE, and each of the Defendants (by and through their authorized agents, servants, and
12 employees, acting within the course and scope of their employment), negligently and carelessly
13 owned, maintained, operated, occupied, and controlled the said premises, located at 4421 East
14 Bonanza Road, Las Vegas, NV 89110, so as to cause and allow cause and allow a floor to be wet
15 and slippery in a manner as to cause an unreasonably dangerous condition, thus, making the area
16 hazardous and dangerous, and more particularly hazardous and dangerous to PLAINTIFF
17 JOSEFINA MILLAN.

18 13. That on or about the March 14, 2014, and for some time prior thereto, the Defendant,
19 DEFENDANT CARDENAS and/or DEFENDANT ROE SUPERMARKET COMPANY and/or
20 DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER and/or
21 DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE
22 EMPLOYEE, and each of the Defendants (by and through their authorized agents, servants, and
23 employees, acting within the course and scope of their employment), negligently and carelessly
24 owned, maintained, operated, occupied, and controlled the said premises, located at 4421 East
25 Bonanza Road, Las Vegas, NV 89110, in that Defendant, DEFENDANT CARDENAS and/or
26 DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY

and/or DEFENDANT ROE EMPLOYER and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE EMPLOYEE, and each Defendant, permitted, allowed and caused said unsafe condition to remain even though Defendants, DEFENDANT CARDENAS and/or DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE EMPLOYEE, and each Defendant, knew or, through the exercise of ordinary care and diligence, should have known that the floor was wet and slippery, creating an unreasonably dangerous condition for anyone walking in the area, and more particularly for PLAINTIFF JOSEFINA MILLAN.

14. That Defendant, DEFENDANT CARDENAS and/or DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE EMPLOYEE, and each of the Defendants, failed to maintain the aforesaid premises in a reasonably safe condition; and that Defendant, DEFENDANT CARDENAS and/or DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE EMPLOYEE, and each of the Defendants, negligently, carelessly and recklessly failed to inspect, repair and correct the said condition, or warn PLAINTIFF JOSEFINA MILLAN, of the defect therein.

15. At all times herein concerned or relevant to this action, the Defendant, DEFENDANT CARDENAS and/or DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE EMPLOYEE, and each of the Defendants, acted by and through their duly authorized agents, servants, workmen and/or employees then and there acting within the course of their employment and scope of their

authority for the Defendant, DEFENDANT CARDENAS and/or DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE EMPLOYEE, and each of the Defendants.

16. That the carelessness and negligence of the Defendant, DEFENDANT CARDENAS and/or DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE EMPLOYEE, and each of the Defendants, in breaching a duty owed to the PLAINTIFF JOSEFINA MILLAN, which directly and proximately caused the injuries and damages to PLAINTIFF JOSEFINA MILLAN, consisting in, but not limited to, the following acts, to-wit:

(a) Failure to provide a safe premises for PLAINTIFF JOSEFINA MILLAN to walk in the premise;

(b) Failure to warn PLAINTIFF JOSEFINA MILLAN of the dangerous and hazardous condition then and there existing in said premise;

(c) Failure to properly and adequately inspect the said dangerous condition in the supermarket's walkways to ascertain its hazardous and dangerous condition;

(d) Failure to properly and adequately maintain the supermarket's walkways to ensure they were free of debris, liquid, and slippery conditions;

(e) The Defendant, DEFENDANT CARDENAS and/or DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER and/or DEFENDANT DOE OWNER and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE EMPLOYEE, and each of the Defendants, had, or should have had, knowledge or notice of the existence of the said dangerous and defective condition which existed on said premises.

13. The Defendant, DEFENDANT CARDENAS and/or DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER

1 and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or
2 DEFENDANT DOE EMPLOYEE, and each of the Defendants, may have violated certain
3 statutes, ordinances and building codes, which the Plaintiff prays leave of Court to insert the exact
4 statutes or ordinances or codes at the time of the trial.

5 14. That on or about March 14, 2014, PLAINTIFF JOSEFINA MILLAN, as a direct and proximate
6 result of the said negligence and carelessness of the Defendant, DEFENDANT CARDENAS
7 and/or DEFENDANT ROE SUPERMARKET COMPANY and/or DEFENDANT ROE
8 COMPANY and/or DEFENDANT ROE EMPLOYER and/or DEFENDANT ROE OWNER
9 and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE EMPLOYEE, and each of the
10 Defendants, was caused to suffer the injuries and damages hereinafter set forth when she slipped
11 and fell as a result of liquid on the supermarket walkway, causing her to fall to the floor,
12 proximately causing to her the injuries and damages as hereinafter more particularly alleged.

13 15. By reason of the premises and as a direct and proximate result of the aforesaid negligence and
14 carelessness of the Defendant, DEFENDANT CARDENAS and/or DEFENDANT ROE
15 SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY and/or DEFENDANT
16 ROE EMPLOYER and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER
17 and/or DEFENDANT DOE EMPLOYEE, and each of the Defendants, PLAINTIFF JOSEFINA
18 MILLAN, was otherwise injured in and about the head, neck, shoulders, back, legs, hips, knees,
19 ankles, and extremities, and caused to suffer great pain of body and mind, all or some of the same
20 are chronic and may result in permanent disability and are disabling, all to PLAINTIFF
21 JOSEFINA MILLAN, damage in an amount in excess of Ten Thousand Dollars (\$10,000.00).

22 16. By reason of the premises, and as a direct and proximate result of the aforesaid negligence and
23 carelessness of the Defendant, DEFENDANT CARDENAS and/or DEFENDANT ROE
24 SUPERMARKET COMPANY and/or DEFENDANT ROE COMPANY and/or DEFENDANT
25 ROE EMPLOYER and/or DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER
26 and/or DEFENDANT DOE EMPLOYEE, and each of the Defendants, PLAINTIFF JOSEFINA
27
28

1 MILLAN, has been caused to incur medical expenses, and will in the future be caused to expend
2 monies for medical expenses and additional monies for miscellaneous expenses incidental thereto,
3 in a sum presently unascertainable. PLAINTIFF JOSEFINA MILLAN will pray leave of Court
4 to insert the total amount of the medical and miscellaneous expenses when the same have been
5 fully determined at the time of the trial of this action.

6 17. Prior to the injuries complained of herein, PLAINTIFF JOSEFINA MILLAN, was an able-bodied
7 female, capable of engaging in all activities for which she was otherwise suited. By reason of the
8 premises, and as a direct and proximate result of the negligence of the said Defendants,
9 DEFENDANT CARDENAS and/or DEFENDANT ROE SUPERMARKET COMPANY and/or
10 DEFENDANT ROE COMPANY and/or DEFENDANT ROE EMPLOYER and/or
11 DEFENDANT ROE OWNER and/or DEFENDANT DOE OWNER and/or DEFENDANT DOE
12 EMPLOYEE, and each of them, PLAINTIFF JOSEFINA MILLAN, was caused to be disabled
13 and limited and restricted in PLAINTIFF JOSEFINA MILLAN's occupations and activities,
14 which caused to PLAINTIFF JOSEFINA MILLAN, a loss of wages in a presently unascertainable
15 amount, the allegations of which Plaintiff prays leave of Court to insert herein when the same
16 shall be fully determined.

17 18. PLAINTIFF JOSEFINA MILLAN has been required to retain the law firm of MORRIS
18 ANDERSON LAW to prosecute this action, and is entitled to a reasonable attorney's fee.

19 ALL CLAIMS FOR RELIEF:

20 1. General damages for PLAINTIFF JOSEFINA MILLAN, in an amount in excess of
21 \$10,000.00;

22 2. Special damages for said Plaintiff's medical and miscellaneous expenses as of this date,
23 plus future medical expenses and the miscellaneous expenses incidental thereto in a presently
24 unascertainable amount;

MORRIS//ANDERSON

Page 9 of 9